

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:06-cr-00016-MR**

UNITED STATES OF AMERICA,

vs.

STERLING D. SHEPPARD.

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ORDER

THIS MATTER is before the Court upon the Defendant's *pro se* letter, which the Court construes as a motion to correct sentence [Doc. 44].

On September 10, 2013, the Defendant was sentenced to a term of three months and ten days for violating conditions of the term of supervised release. [Doc. 42]. At the sentencing hearing, the Court explicitly stated that the length of the term of imprisonment was crafted so as to make sure if at all possible that the Defendant was released before the birth of his child.

The Defendant now moves for a correction of his sentence. For grounds, he states that although the baby's due date was originally estimated to be November 28, 2013, his wife has experienced complications and that her doctor now advises her that she will most likely

give birth on November 11, 2013.¹ In light of the extraordinary circumstances presented, the Government does not oppose a correction of the Defendant's term of imprisonment to a term of time served.

The Court finds that an amendment of the Judgment is necessary to correct an error in the record arising from oversight or omission. See Fed. R. Crim. P. 36.

IT IS, THEREFORE, ORDERED that the Defendant's Motion [Doc. 44] is **ALLOWED**, and the Defendant's sentence is hereby reduced from a term of imprisonment of 3 months and 10 days to a term of time served. All other terms and conditions of the Judgment entered September 17, 2013 [Doc. 42] shall remain in full force and effect.

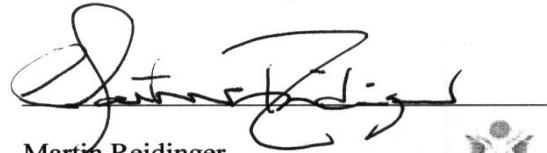
The Clerk is respectfully directed to prepare an Amended Judgment in accordance with this Order.

The Clerk is further directed to send copies of this Order to the Defendant, the United States Attorney, the United States Bureau of Prisons, and the United States Probation Office.

¹ Defendant's counsel for the supervised release violation proceedings, Meghann Burke, has confirmed this information with the Defendant's wife.

IT IS SO ORDERED.

Signed: November 8, 2013

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
United States District Judge

